

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-24 are presently active in this case. The present Amendment amends Claims 1-22 and adds Claims 23 and 24.

The outstanding Office Action objected to Claims 1-22 because they included reference characters that may not delineate reference characters with specificity. Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Downs et al. (U.S. Patent No. 6,226,618, herein referred as “Downs”) in view of Hannula et al. (U.S. Patent No. 6,366,893, herein referred as “Hannula”).

In response to the objection to the drawings, submitted herewith is a Letter Submitting Drawing Sheets along with 2 Replacement Sheets for Figs. 1-2, adding the appropriate legends and labels for each element in those figures.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claims 1-22 are amended to correct the improper multiple dependent claim language, to cancel all the reference numbers, and to better comply with U.S. claim drafting practice. Since all the changes to the claims are only formal, the changes are not believed to raise any question of new matter. In view of amended Claims 1-22, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

New Claims 23 and 24 are added to vary the scope of protection recited in the claims. New Claims 23 and 24 depends upon Claim 1 and Claim 13, respectively and recite that “the time is determined by the center with regards to optimal usage of resources used for a transmission of ordered media objects.” These claims find non-limiting support in the

disclosure as originally filed, for example at page 10, lines 12-15. Therefore, the new claims are not believed to raise a question of new matter.¹

In response to the rejection of Claims 1-22 under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, Applicants' invention, as recited in independent Claims 1 and 13, relates to a method for ordering and transmitting digital media objects and relates to a mobile communications terminal, wherein data on a time at which an ordered media object is available is transmitted by a center to the communications terminal. The time when the ordered media object is available is determined by the center and is stored in the communications terminal. Further, the communication terminal automatically contacts the center at the stored time.

As explained in Applicants' specification at page 2, lines 10-14, Applicants' invention improves upon background methods for ordering digital media objects because a communications terminal being able to receive the digital data from a center has the advantage that the mobile users are able to receive and playback media objects without being dependent upon personal computers. Further, the media objects can be transmitted at times selected by the center such that resources (such as network capacity and databases) are optimally used.² The claimed invention thus leads to improved ordering of digital media objects transmitted to mobile communications terminals.

Turning now to the applied prior art, Downs discloses a method of securely providing data to a user's system and further discloses that the data is encrypted so as to only be decryptable by a data decrypting key.³ Downs, however, fails to teach or suggest the claimed

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

² See Applicants' specification at page 10, lines 12-15.

³ See Downs, in the Abstract.

“transmitting data on a time at which an ordered media object is available”. Furthermore, in Downs a terminal does not automatically contact the center at the stored time at which an ordered media object is available. Downs merely teaches that a content compression 511 is used to reduce the file size of the content 113 and its transmission time,⁴ and teaches that time information is logged by the clearinghouse 105 for a license secure container (SC), wherein the logged time is the date and time of the request and the date and time of the purchase transaction.⁵ Logged data on purchase time and data request time, as taught by Downs, *is not* data on a time at which an ordered media object is available.

The outstanding Office Action rejects Claims 1-22 based on the proposition that the Hannula patent may disclose the above feature, and that it would have been obvious to modify Downs device by importing this feature from Hannula to arrive at the claimed invention. Applicants respectfully submit, however, that Hannula fails to disclose the above feature related to a data on a time at which an ordered media object is available. Hannula only teaches aspects on performing electronic payment transactions between a terminal equipment in a telecommunication network and the other transacting party.⁶ The electronic payment protocols disclosed by Hannula⁷ do not use any information on when an ordered media object is available. Accordingly, the prior art reference Hannula *does not teach or suggest* “transmitting data on a time at which an ordered media object is available” and also does not teach or suggest that the communications terminal “automatically [contacts]...the center at the stored time”, as required to meet the claimed features. Therefore, even if the combination of the Downs and Hannula patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach “transmitting data on a time at which an ordered media object is available”.

⁴ See Downs, at column 21, lines 7-10.

⁵ See Downs, at column 46, lines 5-12.

⁶ See Hannula, in the Abstract.

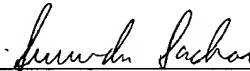
⁷ See Hannula, from column 7, line 25 to column 8, line 24.

Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.⁸

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-24 is earnestly solicited.

Respectfully submitted,

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⁸ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2.

Attachment: Replacement Sheets